

Minutes of the Veneta City Council

September 12, 2005

Present: Mayor T. J. Brooker, Darrell Carman, Thomas Cotter, and Marion Esty

Absent: Fred Miller

Work Session: Planning Commissioners Jim Bruvold, Lily Rees, James Eagle-Eye, Len Goodwin, and James Dean

Others: Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Margaret Boutell, Community Services Director; Kyle Schauer, Public Works Superintendent; Brian Issa, City Planner; Jerry Elliott, City Engineer; Earle Ellson; and Craig Soderberg

Mayor Brooker called the Veneta City Council to order to order at 5:38 p.m.

1. **WORK SESSION** - Greenway Overlay Zone/East Veneta Update

Margaret Boutell explained the purpose of the work session is to get feedback on the work the Citizen's Advisory Committee (CAC) for the East Veneta Drainage Study has been done to-date. She said the work session is not intended for discussions, reaching consensus, or making any decisions. At this time they are asking for input about whether or not things are headed in the right direction. She summarized the project which began in February 2005 with a grant from DLCD and ODOT to do the study. The grant funding ended in June 2005.

The purpose of the project is to resolve conflicts between the City's natural resource protection and transportation goals for street connectivity. The next step will be to establish policy and adopt ordinance amendments, including revisions of the Greenway Overlay Subzone and updating the Transportation System Plan (TSP).

Brian Issa gave a presentation on the City's proposed updates to the Greenway/Open-Space Subzone. The next step will be to do some transportation modeling to analyze the affect of removing some of the recommended street crossings. Another issue that will be addressed is providing two access points for fire protection. In response to a question from Mayor Brooker, Margaret said the CAC and Technical Advisory Committee (TAC) will look at the transportation modeling and make recommendations to the Council about which street crossings should be left in or taken out of the TSP. Brian said one factor that will be taken into consideration is cost. He said the larger the wetland, the more costly the street crossing will be. Margaret said design standards, such as bridges vs culverts, will also affect the cost.

In response to a question from Darrell Carman, Margaret said a developer could still apply for a variance but they will be required to provide the rationale for public need. The new ordinance will put the burden on the developer to provide an environmental impact statement to support his rationale. She said the study only takes into account the major streets, not local streets.

In response to a question, Margaret said the developer will be required to hire a wetland consultant to determine whether or not a wetland is significant or not. Brian said wetlands are determined to be significant or non-significant based on plant and animal species. If the City finds it necessary to hire a consultant, the developer will be required to reimburse the City, just as they do for engineering review.

Brian said the City's current wetlands do not always follow along the wetlands. The Greenway is a subzone but has not been surveyed. Developers have to depend on a scaled drawing to locate the Greenway on their property.

Brian said part of the study is to develop a bike path plan. The current bike path in the TSP is not related to the wetlands or Greenway. The new plan will tie bike paths down to tax lots and incorporate them into the Greenway. The Greenway subzone will be reshaped around delineated wetlands.

In response to a question from Earle Ellson, Brian said the City's Comprehensive Plan states that Greenway will remain largely undeveloped area of land. The majority of the current Greenway is unbuildable land.

In response to a question from Thomas Cotter, Brian said a site-by-site analysis has not been done. They are proposing a standard 50' buffer along both sides of a wetland that is identified as significant.

James Eagle-Eye said the City should consider requiring some wetlands to be enhanced.

In response to a question about Measure 37, staff explained that the amendments would be subject to a Measure 37 claim. If a claim is submitted, the City would have the option of waiving the new regulation and reverting to the current Greenway subzone. Another option would be to allow some smaller lots on properties that provide for the Greenway and buffer areas.

Margaret Boutell said the bigger question is the whole East Veneta Study and having support to move forward with that process. To amend the Greenway subzone and Transportation System Plan, the City will need to notify DLCD and hold two public hearings. Before following that process, staff will need to have the Council's approval to move forward.

Len Goodwin said he feels they still need more discussion and more substance. In response, Ric said staff will revise the work plan based on the input that has been received and then another work session will be scheduled.

Thomas Cotter said he would like to know the costs of taking 25' to 50' away from the developer and the cost to the City for the loss of revenue for leaving it undeveloped.

Brian said the buffer could preclude development on some of the smaller lots.

Ric Ingham said the first step is to get the Greenway laid accurately over the wetlands and bike paths.

Mayor Brooker adjourned the Work Session at 7:05 and called for a short break before the regular meeting. He called the Council back to order at 7:17 p.m.

2. PUBLIC COMMENT

Lily Rees; 87763 Oak Island Drive; Veneta, Oregon

Lily Rees brought the Council's attention to a very tall fir tree at the end of Cherry Lane that has died, creating a safety hazard. Ric said he will ask Kyle to contact the property owner to have the tree removed.

Craig Soderberg; 87965 Sherwood Street; Veneta, Oregon

Mr. Sodeberg said he is a member of the 2006 Elmira High School Graduation Committee and they would like the Council for some financial assistance for a drug-free graduation event. He said they hope to get more students involved if they can reduce the fee for students to participate.

In response to a question from Mayor Brooker, Ric said this is the first request for discretionary funds for the new fiscal year. Thomas Cotter said he feels this is a worthwhile project and he is in favor of granting the request.

The Council asked Mr. Sodeberg to put the request in writing and for staff to bring it back to them along with information about available funds and annual commitments.

3. CONSENT AGENDA

MOTION: Thomas Cotter made a motion to approve the consent agenda. Marion Estly seconded the motion.

Vote: Marion Esty, aye; Thomas Cotter, aye; Mayor Brooker, aye; and Darrell Carman, aye.

The consent agenda as approved included minutes for August 8, 2005, bills paid and payable for July/August 2005, and a Homecoming Parade Permit for Elmira High School.

4. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

- (1) League of Oregon Cities Conference Registration
Mayor Brooker asked the Councilors to submit their registration forms to staff as soon as possible.

- (2) Social Gaming Application for Crazy Al's

Ric advised the Council that Crazy Al's sold and the new owner has had to reapply for a Social Gaming license.

MOTION: Marion Esty made a motion to approve the social gaming application for Crazy Al's. Thomas Cotter seconded the motion which passed with a vote of 4-0.

(3) Request for Leave Without Pay

Justin Mitchell has requested a leave of absence without pay in the event he gets called as a relief volunteer to help the victims of Hurricane Katrina. The new City Employee Handbook requires Council approval of that type of leave request. If he gets called, the leave would begin on the first day he leaves and would run for 30 consecutive days.

MOTION: Thomas Cotter made a motion to approve the request by Justin Mitchell for a 30 day leave of absence without pay. Marion Esty seconded the motion which passed with a unanimous vote of 4-0.

In response to a question from Thomas Cotter about coverage during Justin's absence, Kyle said the busiest time of year for public works is nearly over and if necessary they might keep one or both of the temporary workers on a while longer.

b. COUNCIL/COMMITTEE LIAISONS

Marion Esty (Planning Commission meeting) - Three items on the agenda were held over until the next meeting.

Mayor Brooker (Public Safety Committee Countywide) - The task force has made some decisions but there are some sticking points as far as the funding process. He said some members support a 1% sales tax for Lane County, others support some form of corporate or personal income tax. Mayor Brooker said there are still a lot of questions that need to be answered before a decision can be made. He said he also needs to know what the Council will support.

Marion said she would reluctantly support a sales tax. She feels it is a better option because everyone pays, including tourists. She said passing a sales tax will be very difficult.

Darrell Carman agreed that it will be almost impossible to get the public to pass a sales tax.

Mayor Brooker said everyone agrees there is a need, the question is how to pay for it.

Thomas Cotter agreed that a sales tax is the only realistic way to pay for it; however, he agreed that it would probably not pass.

Darrell Carman said the only chance the County will have of passing a new tax is to assure the public that the money will do some good, that people committing crimes will be taken off the streets and kept in jail. They need to be presented with a viable plan of action.

Mayor Brooker agreed that they need to educate the public and shown them what

services will be provided, including arrests and incarceration.

In response to a question from Mayor Brooker, Darrell Carman said he felt there would be a better chance of passing an income tax rather than a sales tax.

Mayor Brooker agreed that an income tax would be easier to pass, even though he feels a sales tax is more equitable across all economic lines and includes tourists. He said an income tax can be claimed as a federal deduction but a sales tax cannot.

The Council said they would like to have more information before they support a funding mechanism.

Ric said he will provide the Council with the summary reports after each meeting.

5. STAFF REPORTS

a. COMMUNITY SERVICES DIRECTOR

(1) Public Works Monthly Report for August 2005

Kyle Schauer reviewed his monthly report. He said the new filter ~~meter~~^{media} has been received and will be installed next week, after the peak water demand is over. The number of delinquent accounts and water shut-offs has been reduced to about half as a result of the new procedure.

amended
10-10-05

Mayor Brooker complimented the Public Works staff for the work they have done at the skate park and the new fencing. In return, Kyle thanked the Council for allowing them to hire an additional summer grounds worker. He said the parks have had increased use since last summer.

In response to a question from Thomas Cotter about the property on Hunter road across from the dome house, Kyle said he talked to the developer and was told they would be mowing the property in preparation of their development. He said some mowing was done along the fence line but he will do some follow-up work.

Darrell Carman noted that another of the big Oak trees in Perkins Country Estates has died. Kyle said the property owner is responsible for removing the tree or having the developer do it. At the time the subdivision was constructed the developer adhered to the tree protection guidelines.

In response to a question from Mayor Brooker about the complaint Mr. Loftis has about dust, Ric said staff followed up with LRAPA. The complaint involves a private driveway and the City has no authority to take action. Staff has determined that the neighboring property owner is not operating a significant business out of his home, they have no customers or employees coming in and out of the property.

Ric said staff has also been working on the other issues raised by Mr.

Loftis. Letter for weed abatement and ditch cleaning will be mailed out the end of this week.

- (2) Effluent Management Strategy update
Margaret Boutell advised the Council that staff met with DEQ and presented some revised tables prepared by Jerry Elliott. The City currently is required to land apply effluent during the months of May and October which generally have a lot of precipitation. Staff hopes to get approval to discharge into the river during those months because not as much water can be land-applied and must be held in storage. The City's permit is up for renewal in 2006 and if a request to discharge to the river during the months of May and October is approved, it will reduce the amount of additional land the City will need for land application. Another possibility is increasing the City's storage capacity by using the abandoned lagoon at the Wastewater Treatment Plant.

The original Reclaimed Water Reuse Plan was based on projected flows. The actual flows the City has experienced are 4.34 million gallons per year less than what was projected. Jerry Elliott has prepared a table showing the actual flows which the City hopes will show a reduction in the number of acres needed for effluent application. Currently the City's treatment plant produces a level II effluent which has more nitrogen. One possible way to reduce the amount of acres needed for land application would be to go to a level IV treatment which requires more filtering, resulting in water that can be used to irrigate parks and other land. Although going to a level IV would be expensive it could be offset by not having the expense of mitigating wetlands. Another option the City can explore is adding extra storage capacity by using the abandoned lagoon.

Ric advised the Council that after the meeting with DEQ he felt fairly optimistic overall. He said the City still has some time to explore the options.

Jerry Elliott said getting DEQ's approval to discharge to the river during the months of May and October would be a tremendous benefit.

- (3) Acceptance of Drainage Easements for Angel Creek Subdivision

Staff advised the Council that City Engineer Jerry Elliott approved the storm drainage improvements for the Angel Creek Subdivision that are located within the proposed easements. The easements need to be accepted before the final plat can be recorded.

MOTION: Thomas Cotter made a motion to accept two public drainage easements for the Angel Creek Subdivision. Marion Esty seconded the motion.

Discussion: In response to a question from Darrell Carman, staff explained that one easement was for the pipe that crosses lots 1 and 2 and the second is for the discharge area on the northwest corner of the subdivision.

VOTE: The motion passed with a unanimous vote of 4-0.

b. CITY ENGINEER

(1) Engineering Proposal for Development of Well 10 and Mobilization of Contractor and Wetland Assessment Proposal

Jerry Elliott said his proposal is based on having the well up and running by June 2006. He said the contractor will begin drilling this Wednesday. After the well is drilled it will be reviewed for production and tested for water quality. The next step will be the permitting process. Nancy Holzhauser will be doing a wetland delineation for the site. Jerry said he is very confident there are no wetlands where the drilling will take place. The Corp of Engineers and DSL do not prohibit drilling in a wetlands if not more than 50 cubic yards of fill is removed. Jerry said his proposal in the amount of \$161,129 includes drilling the well, site design and permits, start up costs and ongoing treatment monitoring through 2006, building and treatment equipment. The well drilling portion is \$43,790.

Thomas Cotter questioned spending \$1,100 to rent a generator. He asked if it would be more cost effective for the City to purchase a generator that could be used during flood events. In response, Ric said it was a good suggestion and staff will look into the possibility of purchasing a generator that could be used in the event of an emergency.

Ric asked Jerry Elliott to get together with Margaret to discuss the time lines for the planning permits needed for the project.

In response to a question about the transfer of the water rights, Ric said the application has been submitted under an expedited review process. The City can use temporary permits until the actual transfer takes place.

MOTION: Thomas Cotter made a motion to approve the engineering proposal for development of Well 10 to mobilize the contractor and to do the wetland work n an amount not to exceed \$161,129.00. Marion Esty seconded the motion.

Discussion: Ric suggested adding in a 10% contingency for capital improvements to allow additional work while the contractor is mobilized, rather than having to wait until a Council meeting.

MOTION: Thomas Cotter amended his motion for an amount not to exceed \$180,000.

Mayor Brooker said he would like a better delineation of what the specific costs are for engineering and capital construction. Jerry Elliott said it is difficult to predict how much is done each fiscal year.

Mayor Brooker said the City needs a clear cut picture of what the costs are for each budget year. Ric said City projects often take several budget years to complete. He said the costs for each project need to be separated out by both engineering and capital improvement as well as by fiscal year.

In response to a suggestion by Jerry Elliott, Ric said job numbers should be tied to fiscal year. Jerry said he will work with staff to determine how to track expenses for projects that overlap fiscal years, especially when funds are allocated for one year but job expenses carry over for multiple years.

It was agreed by staff and the Council that Jerry Elliott should assign different job number for work that will be done in different fiscal years.

MOTION: Darrell Carman seconded the motion as amended. The motion passed with a vote of 4-0.

(2) Inflow & Infiltration update

Ric presented a memorandum regarding the budget for the I&I work. The contract was awarded to C-More Pipe in an amount of \$50,267 with a 10% contingency and engineering in the amount of \$12,298. Jerry Elliott submitted a Change Order from C-More Pipe based on their recommendation that due to the joints in the W. Broadway sewer it would be better to install a liner than to grout each one. The work was authorized at the end of June when the budgeted amount for that fiscal year was \$90,000. Unfortunately, the budget adopted for this year has only \$50,000 for capital improvements with an additional \$10,000 for engineering services. The work to-date has not exceeded the budget amount; however, the City has the opportunity to get more work done while the contractor is on-site but the funds are not in the current budget.

In response to a question from Mayor Brooker, Jerry Elliot said C-More Pipe has equipment that is providing more detail than the City has had in the past. They have found that very short 3.5' pipes were used in W. Broadway and every joint has some leaks. He said \$44,000 has been expended to date, leaving \$6,000 in the budget. The lining work for W.

Broadway would cost about \$22,000. The original proposal is for grouting that has a life expectancy of about 10 years, the liner has a life expectancy of 40-50 years. Jerry said if the effluent planning is delayed it may be possible to transfer some of the money in that fund to cover the additional work. The work would cost more next year because the contractor would have to return.

Mayor Brooker said he is strongly opposed to using any of the funds set aside for development of the poplar plantation.

In response to a question from Thomas Cotter, Jerry Elliott said he feels the problem is significant and should be fixed.

Thomas Cotter and Mayor Brooker agreed that the problem should be fixed and they should find a way to pay for it. Mayor Brooker suggested reducing the amount budgeted for installing electricity to the equipment building.

Jerry Elliott said at this time he would recommend stopping the grout work as shown in item #1 and delete item #3 for the lateral repair. He said the Change Order would be amended to include the \$22,136 (item #2) and minus the \$6,100 (item #1), for a balance of \$14,511.40.

Mayor Brooker asked that the contractor for the manhole on Allure Avenue to asked why the manhole failed after only 3 years.

The Council agreed that they could postpone the work to install electricity to the equipment building until next budget year. Staff will check to see if they need to do a budget resolution.

MOTION: Darrell Carman made a motion to authorize item #2 of the Change Order No. 1 to install 396 feet of liners in the sewer lines. Marion Esty seconded the motion. The motion passed with a vote of 4-0.

MOTION: Darrell Carman made a motion to authorize additional engineering costs to cover the balance of the project in an amount not to exceed \$6,000. Thomas Cotter seconded the motion.

Discussion: To-date the engineering invoices for August are about \$3,700. Jerry Elliott estimated the additional engineering bills will be about \$3,000.

MOTION: Darrell Carman amended his motion for an amount not to exceed \$7,000. Thomas Cotter seconded the motion as amended. The motion passed with a vote of 4-0.

(3) Cherry Street DSL Permit update

City Engineer Jerry Elliott amended the City's permit to lower the bed of the drainage ditch based on recommendations by the Army Corp of Engineers. The amended application was submitted August 30, 2005. Jerry said he has left messages with Michelle Hansen at the Corp but she has not returned his calls. Jerry said he talked with the project manager at the Division of State Lands who said he has received the application but has not determined yet if it is complete.

Jerry said the permits went through a public review process last year so he doesn't think that needs to be done. If they do not have to send it out for another review he thinks the permit should be ready by the end of October.

c. CITY ADMINISTRATOR

(1) Finance Department Evaluation Report

The Council was provided with the evaluation report prepared by Andy Parks of the Government Executive League (GEL). Ric said he looked at the current process, procedures, and policies to see if they were out-of-date or if there were any significant issues that should be addressed. Ric said he was pleasantly surprised to know the City's system is not antiquated. Seventeen recommendations were made that take into account the rapid growth taking place in Veneta, including filling the vacancy with a highly skilled financial officer as a top priority.

Ric announced that the second candidate for the Finance Director job has decided not to accept the position.

Marion expressed concern about the delinquent reporting mentioned in Andy's report. Ric said the City has met the PERS and CIS annual deadlines.

Ric said it has taken about a month for temporary part-time accountant to learn the City's system. The audit has been postponed until late November and will need to be completed by the end of the year.

Ric said the finance officer position will be left open longer than they would like; however, he feels it is necessary to get a good pool of applicants. He said the job is very complex and qualified applicants are in big demand. It may be possible to contract with someone like Andy to do interim work if necessary.

(2) Draft 2005-06 Work Plan

Ric presented a draft Work Plan and asked the Council to review it and be prepared to discuss it at their September 26, 2005 meeting.

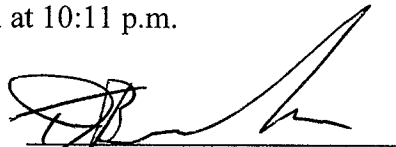
- (3) Finance Director vacancy update
Ric presented the Council with a schedule for the hiring process for a new Finance Director.
- (4) Revised Speed Limit proposal
Ric advised the Council that staff has received requests for reduced speed limits on a couple of streets. He said the issue will be discussed at a future meeting.

6. OTHER

Mayor Brooker reminded the Council to review the Work Plan before the next meeting. Margaret asked the Council to call staff if they have any questions about any of the items on the plan.

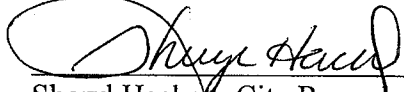
7. ADJOURN

Mayor Brooker adjourned the City Council at 10:11 p.m.



T. J. Brooker, Mayor

ATTEST:



Sheryl Hackett, City Recorder
(minutes prepared by SL Hackett)